

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION

In re:	)	
	)	
WARREN I. GREEN,	)	CHAPTER 7
	)	CASE NO. 13-10204-MSH
Debtor.	)	
	)	

**TRUSTEE'S STATUS REPORT**

The undersigned counsel for John O. Desmond, Chapter 7 Trustee (the "Trustee") of the bankruptcy estate of Warren I. Green (the "Debtor") hereby submits this status report (the "Status Report") per the Court's June 21, 2016 Order. In support thereof, the Trustee states as follows:

1. On January 30, 2014, the Trustee filed an adversary proceeding against Marsha S. Green (the "Defendant"), the wife of the Debtor, seeking a declaration that the real property located at 287 Langley Road, Unit 39, Newton Massachusetts (the "Condominium"), held nominally in the name of the Defendant is subject to a resulting trust in favor of the Debtor and the Defendant as tenants by the entirety. The Trustee further sought an order authorizing the sale of the Condominium pursuant to 11 U.S.C. § 363(h).

2. At a hearing on the Defendant's Motion to Dismiss, held on April 9, 2014, the Bankruptcy Court directed the parties to proceed with the prior pending Superior Court action [Middlesex Superior Court (Docket No. MISUCV2011-002897).<sup>1</sup>

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<sup>1</sup> In the interests of efficiency, the Trustee has not recited the full procedural history of the Adversary Proceeding and the Middlesex Superior Court action as referenced in prior Status Reports filed by the Trustee as set forth in Docket Nos. 55, 57, 67, and 93.  
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3. As set forth in the transcript thereof (filed April 21, 2014 as pleading no. 28), the Court ruled (page 9):

[F]irst of all, I don't want to dismiss this AP because ultimately perhaps there will be something for the Trustee to reach. But at the same time, I don't want to have you people running in two courts doing the same thing. So what I'd like to do is just continue this motion to dismiss generally and when the state court does something, then one of you will get back to me and tell me what to do as the next thing.

4. Following the April 9, 2014 hearing, the Trustee and the Defendant proceeded in the Superior Court Action, with the Trustee being permitted to be substituted as plaintiff and to file an amended complaint.

5. Following a four-day jury waived trial, the Superior Court entered Judgment (the "Judgment") on September 7, 2016 in favor of the Trustee on the resulting trust claim.

6. On September 28, 2016, the Defendant filed a Notice of Appeal with the Superior Court.

7. The Appeal was fully briefed by both parties.

8. Oral argument was held at the Massachusetts Appeals Court on December 8, 2017. The Trustee anticipates that the Massachusetts Appeals Court will issue a decision within 120 days from the date of this Status Report.

9. Therefore, Plaintiff requests that the Court set the deadline for the filing of the next status report for approximately 120 days from the date of this Status Report.

WHEREFORE, the plaintiff, John O. Desmond, Chapter 7 Trustee, requests that the Court accept this Status Report and order that the Plaintiff file the next status report 120 days from the date of this Status Report.

Respectfully submitted,

John O. Desmond, Chapter 7 Trustee

By his Attorneys,

/s/ Anthony R. Leone

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Dated: December 21, 2017

**CERTIFICATE OF SERVICE**

I, Anthony R. Leone, hereby certify that on December 21, 2017, a copy of the Trustee's Status Report was served through the Court's electronic filing system on all parties registered to receive electronic notice.

/s/ Anthony R. Leone  
Anthony R. Leone